

# **EXHIBIT 72**

## **SECOND MAO DECLARATION PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

### **MATERIAL SOUGHT TO BE SEALED**

1       \*\* C O N F I D E N T I A L \*\*

2       \*\* ATTORNEYS' EYES ONLY \*\*

3       UNITED STATES DISTRICT COURT

4       NORTHERN DISTRICT OF CALIFORNIA

5       SAN FRANCISCO DIVISION

6       Case No. 3:20-CV-04688-RS

7       -----x

8       ANIBAL RODRIGUEZ, et al. individually  
and on behalf of all others similarly  
situated,

9                       Plaintiff,

10                      - against -  
11

12       GOOGLE LLC,  
13

14                       Defendant.  
15

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June 26, 2023

16                      10:05 a.m.  
17

18               Videotaped Deposition of JONATHAN  
19       HOCHMAN, taken by Defendant, pursuant to  
20       Notice, held at the offices of Willkie Farr  
21       & Gallagher LLP, 787 Seventh Avenue, New  
22       York, New York, before Todd DeSimone, a  
23       Registered Professional Reporter and Notary  
24       Public of the State of New York.  
25

1     than two Google accounts because I have a  
2     few that are -- I have a startup that uses  
3     G Suite.

4             Q.         Okay.

5             A.         So I don't know that I have an  
6     exact count on how many different I have.

7             Q.         That's okay. I don't need to  
8     know about them all.

9             A.         Okay.

10            Q.         So at some point in this case  
11    you had not yet reviewed any nonpublic  
12    information, no deposition transcripts,  
13    interrogatory responses, anything like  
14    that, but you had read the complaint; is  
15    that fair to say?

16            A.         Yes.

17            Q.         And at that point you saw that  
18    the plaintiffs alleged that the WAA control  
19    means a particular thing and that Google  
20    does not live up to that description; is  
21    that fair to say?

22            A.         Well, I understand that that's  
23    an allegation, but I don't give too much  
24    credit to allegations. I don't really  
25    credit them because it's just an

1 allegation.

2 Q. Fair enough. Neither do I.

3 But, nevertheless, the WAA  
4 control has a description, right, that you  
5 reviewed?

6 A. Yes.

7 Q. Did you have any idea at that  
8 point what the WAA control should do  
9 vis-à-vis pseudonymous data?

10 A. I hadn't thought about it, so  
11 that's something -- these opinions were  
12 formed upon careful study and thought and  
13 consideration.

14 Q. Well, you had thought about  
15 pseudonymous data before, right?

16 A. Yes, I have thought about  
17 pseudonymous data.

18 Q. And you know that Google has  
19 data that is tied to a pseudonymous  
20 identifier and Google has data that is tied  
21 to a GAIA identifier, you knew that before  
22 you joined the case?

23 A. Okay, so I have to disagree  
24 with how you've put the question together,  
25 because GAIA is also a pseudonym and there

1 is no -- this idea of pseudonymous data and  
2 GAIA data, it's a false dichotomy.

3 Q. Okay. Let's use the terms GAIA  
4 and non-GAIA for now. We will come back to  
5 pseudonymous.

6 So before you joined this case,  
7 you knew that Google had data tied to GAIA  
8 identifiers and you knew that Google had  
9 identifiers tied to non-GAIA identifiers;  
10 is that fair to say?

11 A. I'm not sure I thought about it  
12 prior to this case. I'm not sure that I  
13 had given it consideration.

14 Q. Well, you must have. I mean,  
15 at that point you were pretty deep into the  
16 Brown case.

17 A. Oh, well, I'm thinking -- we  
18 are talking about different start points.  
19 I'm talking about before I heard about  
20 these cases, I hadn't thought about it.

21 Q. So I will ask it again. When  
22 you joined this case, you already knew that  
23 Google had data tied to GAIA identifiers  
24 and data tied to non-GAIA identifiers, that  
25 was a concept you already knew about,

1 right?

2 A. Okay, well, so, so the question  
3 is wrong, because I joined both cases at  
4 essentially the same time. I was retained  
5 for both cases together.

6 Q. You were retained for both  
7 cases together?

8 A. I believe so.

9 Q. Okay. When were you retained?

10 A. I don't have -- I don't  
11 remember exact date.

12 Q. Is that in your report?

13 A. I don't believe I have the date  
14 in here, I might, but I don't have it  
15 there.

16 Q. Is that something you can  
17 figure out during a break, the date of your  
18 retention?

19 A. Possibly.

20 Q. Okay. So before you joined  
21 either case, even then you were aware that  
22 there's something called AdID and there is  
23 something called IDFA, right?

24 A. Yes.

25 Q. And you were -- you understood